

APPENDIX 3.

VETO MESSAGE.

(Filed with the Secretary of State after sine die adjournment of the Legislature and published in the Appendix to the Journal for public information and to complete the history of the bill.)

Executive Office,
Austin, Texas, May 23, 1905.

To the Secretary of State:

I transmit herewith free conference committee substitute bill No. 4, entitled "An Act making appropriations for the support of the State government for the years beginning September 1, 1905, and ending August 31, 1907, and for other purposes."

I disapprove and object to the following items, to be found on page 76 of the manuscript bill, to wit: "The Railroad Commission of Texas is hereby authorized to create a deficiency not to exceed the sum of \$3000 for the fiscal years ending August 31, 1906 and 1907, if in the judgment of the commission it is necessary to do so, for the enforcement of the laws of this State and the orders of the Railroad Commission concerning railroads." If the purpose of this provision be to enable the Railroad Commission to employ legal counsel in the matter of any litigation arising between railroad corporations and the commission of the State, there would seem to be no necessity therefor, because in a preceding paragraph of the bill the Attorney General is authorized to appoint a special assistant at an annual salary of \$2000, who shall perform such services as may be directed by the Attorney General in Railroad Commission and anti-trust suits. If occasion should arise for creating a deficiency on behalf of the commission for any other purpose contemplated by law, it is believed that ample authority therefor will be found in Chapter 46 of the General Laws passed at the regular session of the Twenty-fifth Legislature, and that application should be made in conformity therewith. This chapter requires, among other things, that at least thirty days before a deficiency shall occur a sworn estimate of the amount necessary to cover such deficiency shall be made out and filed with the Governor of the State, who shall carefully examine the same and approve the whole or any part thereof, and when approved shall file the same with the Comptroller, and no claim shall be allowed by the Comptroller or paid by the Treasurer unless such estimate has been filed and approved, etc.

The proper way to create a deficiency is in the manner and for the purposes prescribed in the existing general law mentioned. I believe it was wisely enacted and should be strictly followed. It may be doubted if it could be changed in an appropriation bill passed at a special session, the subject not having been presented for legislative consideration. The last clause of this bill, however, provides that nothing in this Act shall be held to repeal or impair the authority conferred by Chapter 46, Acts of the Twenty-fifth Legislature. It remains in full force and effect. It will be observed that throughout the bill, following the appropriations made for the different departments and institutions, except in the case of the Railroad Commission, there is to be found a provision "that no deficiency shall be created, etc." If such a rule could be enforced as to one department or institution, there seems to be no sufficient reason why it should not be made to apply to all alike. Several errors and omissions, which can not now be corrected, have been discovered in this bill, but it is hoped that they are not so material in their character as to seriously affect the public service. With the exception of the item above indicated, to which objection is made as stated, the bill is approved.

S. W. T. LANHAM,
Governor.